



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,375	02/02/2001	Kevin T. Gallo	03797.00029	8078

26389 7590 12/13/2005

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

SHANNON, MICHAEL R

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/776,375

Applicant(s)

GALLO ET AL.

Examiner

Michael R. Shannon

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 2-9, filed September 19, 2005, with respect to the rejection(s) of claim(s) 1-34, 37-51, and 53-54 under 35 USC §102(e) and claims 35, 36, and 52 under 25 USC §103(a) have been fully considered and are persuasive. Therefore, the rejections under the cited source Jensen (USPN 6,834,371) have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wason et al (USPN 6,701,383), cited by Examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Wason et al (USPN 6,701,383), cited by Examiner.

Regarding claim 1, the claimed "system for synchronizing playback of media content with other content or with host computer time information" is met as follows:

- The claimed “web browser for providing a timing representation to a media player” is met by the web browser discussed in column 1, lines 29-31, which contains a plug-in media player and a SAL (synchronization Abstraction Layer) API to send timing information from the browser to the media player (discussed below).
- The claimed “media player implementing a first interface for object management and a second interface for exchanging timing and synchronization information with the web browser” is met by the RealVideo object 302 which creates a window for viewing media objects [col. 5, line 55] and the interface for passing the time and current information from the player to the SAL (Synchronization Abstraction Layer) 310 API of the browser [col. 5, lines 59-65].
- The claimed “player-hosting peer within the web browser for negotiating a playback state and a rendering status between the browser and the media player” is met by the SAL (Synchronization Abstraction Layer), which functions as a synchronization interface for the web browser and media player to communicate through [col. 2, lines 26-41].

Regarding claim 2, the claimed “player-hosting peer issues commands to the media player” is met by the SAL calling the RealPlayer plug-in and sending time updates to the media player in order to keep the two synchronized [col. 5, line 63-65].

Regarding claim 3, the claimed “media player notifies the player-hosting peer of media player state changes” is met by the media player sending the current time to the

Art Unit: 2614

SAL for synchronization purposes when seeking or performing other functions [col. 6, lines 6-7].

Regarding claim 4, the claimed “second interface includes a playback state and a current playback time passed from the media player to the web browser” is met by the RealPlayer periodically calling SAL (within the browser) with the current time and synchronizing information (such as the node of the table for presenting a TOC window that is synchronized with the video) [col. 5, lines 59-65].

Regarding claim 5, the claimed “player and the player-hosting peer jointly maintain the playing state and the current playback time” is met by SAL and the RealPlayer continually being updated with current time information in order to keep them synchronized [col. 5, lines 54-65].

Regarding claim 6, the claimed “second interface includes web browser time information and/or application time information passed from the browser to the media player” is met by the ability for the SAL to keep the current time and call the RealPlayer with time updates [col. 5, lines 63-65].

Regarding claims 7-34, the claimed “player-hosting peer transitions through states including inactive, active, waiting for data, and out of sync” and the “transitions”, “notifications”, and “passes” that take place in the player-hosting peer and the media player are met by the inherent states of the SAL and the media player within the browser. As discussed in column 5, line 54 – column 6, line 23, the SAL and the media player are periodically calling each other and communicating state and time information between each other, in order to keep the SAL and the media player synchronized for

Art Unit: 2614

the purpose of presenting synchronized information along with the media being played in the media player. For example, RealVideo and RealTOC are both synchronized to the current time of the RealPlayer. All of the passing from state to state is accomplished, though it may be inherent, it is accomplished by the passing of data between the SAL and the RealPlayer. The start, stop, seek, fast forward, and rewind commands are all discussed thoroughly throughout the cited section [col. 5, line 54 – col. 6, line 23].

Regarding claim 35, the claimed “web browser is operating in a television set top environment” is met by the mention of the fact that a set-top box can be used to implement this invention [col. 2, line 19].

Regarding claim 36, the claimed “other content includes advertising or other commercial content synchronized with at least one portion of the media content” is met by the advertising that can be integrated and synchronized with streaming media such as video and audio [col. 2, lines 49-50].

Regarding claim 37, the claimed “proxy layer for passing synchronization information or commands or both synchronization information and commands between the browser and an external media player” is met by the fact that the SAL functions as an API and acts as an interface between the browser and RealPlayer [col. 2, lines 27-41]. The SAL functions independently of the underlying framework, which is exactly what a proxy does. The plug-ins do not interact directly with the browser framework, but instead interact through the SAL.

Regarding claim 38, the claimed “player-hosting peer implements an interface for providing access to timing information from the player-hosting peer” is met, again, by the SAL, which synchronizes itself and the plug-ins with the time-line of the underlying framework [col. 2, lines 27-42]. As can be seen on column 5, lines 54-65, the SAL provides the plug-ins and the browser with timing information.

Regarding claim 39, the claimed “method of synchronizing playback of media content with other content or with host computer time information” is met as follows:

- The claimed step of “providing a timing representation to a media player” is met by the web browser discussed in column 1, lines 29-31, which contains a plug-in media player and a SAL (synchronization Abstraction Layer) API to send timing information from the browser to the media player (discussed below).
- The claimed step of “implementing a first media player interface for object management and a second media player interface for exchanging timing and synchronization information with a web browser” is met by the RealVideo object 302 which creates a window for viewing media objects [col. 5, line 55] and the interface for passing the time and current information from the player to the SAL (Synchronization Abstraction Layer) 310 API of the browser [col. 5, lines 59-65].
- The claimed step of “issuing commands from the web browser to the media player, the commands being directed to media player operations other than, and in addition to, instantiation of the media player; and

notifying the web browser of media player state changes” is met by the SAL (Synchronization Abstraction Layer), which functions as a synchronization interface for the web browser and media player to communicate through [col. 2, lines 26-41]. The initiation of the media player is met by the creation of the RealVideo object 302 [col. 5, lines 55-56] and the notification is met by the communication that takes place between the SAL and the media player [col. 5, lines 59-65].

Regarding claim 40, the claimed “second media player interface includes a playback state and a current playback time passed from the media player to the web browser” is met by the RealPlayer periodically calling SAL (within the browser) with the current time and synchronizing information (such as the node of the table for presenting a TOC window that is synchronized with the video) [col. 5, lines 59-65].

Regarding claim 41, the claimed “player and the web browser both maintain the playing state and the current playback time” is met by SAL and the RealPlayer continually being updated with current time information in order to keep them synchronized [col. 5, lines 54-65].

Regarding claim 42, the claimed “second media player interface includes the host computer time information passed from the browser to the media player” is met by the ability for the SAL to keep the current time and call the RealPlayer with time updates [col. 5, lines 63-65].

Regarding claims 43-51, the claimed “notification” and “receiving and passing commands” steps are met by the inherent states of the SAL and the media player within

Art Unit: 2614

the browser. As discussed in column 5, line 54 – column 6, line 23, the SAL and the media player are periodically calling each other and communicating state and time information between each other, in order to keep the SAL and the media player synchronized for the purpose of presenting synchronized information along with the media being played in the media player. For example, RealVideo and RealTOC are both synchronized to the current time of the RealPlayer. All of the passing from state to state is accomplished, though it may be inherent, it is accomplished by the passing of data between the SAL and the RealPlayer. The start, stop, seek, fast forward, and rewind commands are all discussed thoroughly throughout the cited section [col. 5, line 54 – col. 6, line 23].

Regarding claim 52, the claimed “other content includes advertising or other commercial content synchronized with at least one portion of the media content” is met by the advertising that can be integrated and synchronized with streaming media such as video and audio [col. 2, lines 49-50].

Regarding claim 53, the claimed “media player is external to the browser” is met by the fact that the RealPlayer software can act as a plug-in to the browser [col. 1, lines 27-40].

Regarding claim 54, the claimed “step of providing a timing representation to a media player further comprises the step of implementing an interface to provide access to timing information from the web browser” is met, again, by the SAL, which synchronizes itself and the plug-ins with the time-line of the underlying framework [col.

Art Unit: 2614

2, lines 27-42]. As can be seen on column 5, lines 54-65, the SAL provides the plug-ins and the browser with timing information.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Collins-Rector et al (USPN 6,188,398) disclose web pages for viewing Video and synchronized Advertisements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered

Art Unit: 2614

by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Or faxed to: (571) 273-8300


Hand-delivered responses should be brought to:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
December 1, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600